

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:03CV461-MU

SAMUEL COLEMAN, individually and as)
natural guardian of SAMUEL COLEMAN,)
JR., and ALICIA COLEMAN, individually)
and as natural guardian of SAMUEL)
COLEMAN, JR., and EUGENE)
WILLIAMS,)

Plaintiffs,)

vs.)

ORDER

INDEPENDENT, INCORPORATED,)
d/b/a INDEPENDENT SPECIAL POLICE,)
and JOHN WARREN JETT, III, RONALD)
LEE CRITES, and JOHN DOE, in their)
individual and official capacities,)

Defendants.)
_____)

This matter is before the court upon motion of the Plaintiffs for entry of default and for default judgment against Defendant Independent Special Police pursuant to Rules 37(d) and 55(b)(2). The Defendant, a corporation, has never retained counsel in this matter. Defendant's owner, Hiram Purser, failed to appear for a duly noticed deposition on November 17, 2005. Defendant Jett, the previous owner of Independent Special Police, filed an affidavit indicating that he retained counsel to represent him individually, but never retained counsel, or intended to file an Answer on behalf of Independent. A corporation cannot appear in federal court except through its attorney. As Independent has failed to make an appearance through counsel herein, it is subject to default.

IT IS THEREFORE ORDERED that entry of default and default judgment are hereby entered against Defendant Independent Special Police pursuant to Rules 37(d) and 55(a) and (b)(2).

Signed: May 30, 2006

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

